

**TOWN OF HIGH RIVER
PROVINCE OF ALBERTA
BYLAW NO. 3959/99**

Being a Bylaw of the Town of High River in the Province of Alberta respecting the appointment of Bylaw Enforcement Officers and setting out the powers and duties of Bylaw Enforcement Officers and establishing disciplinary procedures of Bylaw Enforcement Officers.

WHEREAS

Section 7 of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 1996 and amendments thereto, empowers the Council to pass bylaws for municipal purposes respecting the enforcement of bylaws made under this or any other enactment;

AND WHEREAS

Pursuant to Section 556 (a) the Town Council shall, by bylaw , set out the powers and duties of Bylaw Enforcement Officers;

AND WHEREAS

Pursuant to Section 556 (b) the Town Council shall, by bylaw, establish disciplinary procedures including procedures, penalties and an appeal process applicable to Bylaw Enforcement Officers with respect to their powers and duties as peace officers;

NOW THEREFORE

The Municipal Council of the Town of High River in the Province of Alberta, duly assembled in Council, hereby enacts as follows:

1. This Bylaw may be cited as the Bylaw Enforcement Officers Bylaw.
2. **Definitions:**
 - a) **“Council”** means the municipal council of the Town of High River duly assembled and acting as such;
 - b) **“Bylaw Enforcement Officer”** shall mean an employee of the Town appointed by the Chief Administrative Officer and, in the execution of his or her duties, is a person employed for the preservation and maintenance of the public peace;
 - c) **“Town”** means the Town of High River.
 - d) **“Chief Administrative Officer”** means an employee of the Town appointed as such;
 - e) **“Supervisor”** means the person appointed by the Chief Administrative Officer who shall govern the operation of the Bylaw Enforcement Officer’s department.
3. The Chief Administrative Officer may appoint one or more Bylaw Enforcement Officers for the purpose of enforcing compliance with the Town bylaws.
4. The powers and duties of the Bylaw Enforcement Officers are as follows:
 - a) To preserve and maintain the public peace;
 - b) To enforce the bylaws which Council has authorized the Bylaw Enforcement Officers to enforce within the boundaries of the Town.
 - c) To respond to and investigate complaints, conduct routine patrols and issue notices, orders, tickets or tags;
 - d) To perform all other related duties as may from time to time be assigned by the Supervisor.
 - e) To assist in the prosecution of breaches of municipal bylaws and related offenses including the issuance of violation tickets, the swearing of complaints, the service of summons, the gathering of evidence, ensuring the attendance of witnesses and making any appearances in court that may be required;
 - f) To take the official oath prescribed by the Oaths of Office Act upon being appointed as a Bylaw Enforcement Officer and to carry upon his person at all such times as he is acting as a Bylaw Enforcement Officer evidence in writing of his appointment as a Bylaw Enforcement Officer of the Town.

5. Where it is alleged by a written complaint signed by the complainant that a Bylaw Enforcement Officer, in carrying out his duties as a peace officer, has committed a disciplinary default as defined by this bylaw, the Chief Administrative Officer shall;
 - a) Advise the Bylaw Enforcement Officer of the allegation of disciplinary default;
 - b) Give the Bylaw Enforcement Officer an opportunity to respond to the allegation in writing or orally, as, in the discretion of the Chief Administrative Officer as the case requires;
 - c) Determine whether there has been a disciplinary default;
 - d) If it is determined that the Bylaw Enforcement Officer has committed a disciplinary default, determine the appropriate action to be taken;
 - e) Advise the Bylaw Enforcement Officer in writing of the Chief Administrative Officer's decision;
6. When it is determined that the Bylaw Enforcement Officer has committed a disciplinary default the Chief Administrative Officer may;
 - a) Reprimand in writing the Bylaw Enforcement Officer;
 - b) Suspend the Bylaw Enforcement Officer from acting as a Bylaw Enforcement Officer for the Town, with or without pay, for such period as the Chief Administrative Officer may determine but such period of suspension shall not exceed 6 months; and
 - c) Recommend to Council that the appointment of the Bylaw Enforcement Officer be terminated;
7. An appeal from the decision of the Chief Administrative Officer may be commenced by the Bylaw Enforcement Officer who is the subject of the disciplinary proceedings by filing a written notice of the appeal with the Chief Administrative Officer within 15 days of the receipt by the Bylaw Enforcement Officer of the written notice of the Chief Administrative Officer;
8. The Town Council shall:
 - a) Obtain from the Chief Administrative Officer a report outlining the allegation of disciplinary default, the response to the allegations made by the Bylaw Enforcement Officer, and the decision of the Chief Administrative Officer; and provide;
 - b) the Bylaw Enforcement Officer with a copy of the report;
 - c) Give the Bylaw Enforcement Officer an opportunity to respond to the report, and to respond further to the allegations, in writing or orally, as, in the discretion of the Town Council the case requires;
 - d) Confirm, vary or set aside the decision of the Chief Administrative Officer;
 - e) Advise the Bylaw Enforcement Officer in writing of the Town Council's decision.
9. The decision of the Town Council shall be final and conclusive. There shall be no further right of appeal. The decision of the Town Council shall not be subject to judicial review;
10. For purposes of this bylaw, the following shall be disciplinary defaults;
 - a) **Discreditable conduct**, where the Bylaw Enforcement Officer:
 - i. acts in a disorderly or inappropriate manner, or in a manner likely to bring discredit upon the reputation of Bylaw Enforcement Officers;
 - ii. uses inappropriate or oppressive conduct towards members of the public;
 - iii. uses profane, abusive or insulting language to any Bylaw Enforcement Officer or member of the public;
 - iv. willfully or negligently makes any false complaint or statement against a member of the public;
 - v. is convicted of an indictable offense under a federal statute or an offense punishable upon summary conviction under the criminal code (Canada);
 - vi. withholds or suppresses a complaint or report against a Bylaw Enforcement Officer or member of the public;

- vii. abets, connives or is knowingly an accessory to a general default described by this bylaw.
- b) **Insubordination**, where the Bylaw Enforcement Officer, by word or actions, and without lawful excuse, disobeys, omits or neglects to carry out any direction or duty given to him by Council by the Chief Administrative Officer or by the Supervisor;
- c) **Neglect of duty**, where the Bylaw Enforcement Officer
 - i. without lawful excuse neglects or omits promptly and diligently to perform a duty of a Bylaw Enforcement Officer;
 - ii. fails to work in accordance with directions, or leaves an area, detail or other place of duty without due permission or sufficient cause;
 - iii. fails, when knowing where an offender is to be found, to report him; or
 - iv. fails to report a matter that it is his duty to report.
- d) **Deceit**, where the Bylaw Enforcement Officer
 - i. knowingly makes or signs a false statement in an official document or book;
 - ii. willfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties; or
 - iii. without lawful excuse destroys, mutilates or conceals an official document or records or alters or erases any entry therein.
- e) **Breach of confidence**, where the Bylaw Enforcement Officer
 - i. divulges any matter which it is his duty to keep secret;
 - ii. gives notices, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except the lawful execution of such warrant or service of such summons;
 - iii. without proper authorization from a superior or in contravention of any rules of the Town communicates to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or investigation;
 - iv. without proper authorization from the Town shows to any person not a peace officer or any unauthorized member of the Town Staff any book or printed paper, document or report relating to any law enforcement matter that is the property of in the custody of the Town or;
 - v. makes any anonymous communication to the Chief Administrative Officer.
- f) **Corrupt practice**, where the Bylaw Enforcement Officer
 - i. fails to account for or to make a prompt, true return of money or property received in an official capacity;
 - ii. fails to adhere to the Code of Ethics as adopted by Council describing the conduct of Town employees;
 - iii. places himself under a pecuniary or other obligation to a person in respect of whose conduct or business operation or employment the member may likely have to report or give evidence; or
 - iv. improperly uses his/her position as a Bylaw Enforcement Officer for private advantage.
- g) **Unlawful or unnecessary exercise of authority**, where the Bylaw Enforcement Officer is unnecessarily discourteous or uncivil to a member of the public.

- h) **Consuming intoxicating liquor or drugs in a manner prejudicial to duty**, where the Bylaw Enforcement Officer
 - i. while on duty is unfit for duty due to consuming intoxicating liquor or drugs;
 - ii. reports for duty and is unfit for duty due to consuming intoxicating liquor or drugs;
 - iii. except with the consent of a superior or in the discharge of duty, consumes or receives from any other person intoxicating liquor or drugs while on duty; or
 - iv. demands, persuades or attempts to persuade another person to give or purchase or obtain for a Bylaw Enforcement Officer while on duty any intoxicating liquor or drugs.
- i) **Absenteeism**, where the Bylaw Enforcement Officer is, without permission, warning or sufficient reason, absent from work;
- j) **Physical Assault**, where the Bylaw Enforcement Officer, without lawful excuse assaults a supervisor, fellow employee or member of the public.

11. By-law 3269/79 and By-law 3490/84 are hereby rescinded.

12. This Bylaw comes into full force and effect on the date of third and final reading.

READ A FIRST, SECOND AND WITH UNANIMOUS CONSENT OF ALL COUNCIL PRESENT A THIRD AND FINAL TIME THIS 23RD DAY OF AUGUST A.D 1999.

MAYOR/DEPUTY MAYOR

TOWN MANAGER/
MUNICIPAL SECRETARY